

REMARKS

In response to the Office Action dated February 23, 2005, Applicants respectfully request reconsideration. The application is believed to be in allowable condition.

Applicants note that informalities in the specification have been corrected. Thus, objections to the specification should be withdrawn.

Claims 13, 15 and 17 were objected to due to informalities. Claims 13, 15 and 17 have been amended appropriately, rendering objection as to these claims moot.

Claims 5, 9, 15 and 17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 5 has been canceled, rendering rejections as to this claim moot. Claims 9, 15 and 17 have been amended to correct antecedent basis, and Applicants respectfully assert that these claims satisfy 35 U.S.C. 112, second paragraph.

As a result of the amendments noted above, claims 1-4, 6-10 and 12-17 are pending in this case.

Claims 1-3 and 6-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,996,120 (Balit). As discussed below, these claims are patentable over Balit.

Independent claim 1 discusses an integrated garment having an outer layer and an inner layer. The outer layer comprises at least one of a long-sleeve shirt, a short-sleeve shirt, a dress, or a sweater for covering a woman's breasts. The outer layer includes a top end, a bottom end and side seams. The inner layer includes a perimeter and a substantial support structure extending from a front of the garment to a back of the garment in at least a bust region of the garment, wherein the inner layer includes at least two different stitch patterns each having a respective yarn and wherein the inner layer is substantially attached along at least a portion of the perimeter to the outer garment.

Balit discloses a swim suit having a seamless support system. The support structure in Balit can be used as a liner in a garment that provides support to the breast area. The garment in Balit is a one-piece garment where the outer structure hews closely to the inner support structure, or the one-piece garment is worn as a separate undergarment, i.e., unattached to what is over it. Balit does not, however, teach or disclose an integrated garment comprising one of a long sleeve shirt, a short-sleeve shirt, a dress or a sweater, as is recited in claim 1. Balit simply mentions that garments other than a swim suit can include a support structure, but does not specifically describe other garments or discuss the integration of the liner into other garments. Balit does not

teach or disclose a visible and free-flowing outer layer having an inner support structure that is not outwardly visible.

Further, the invention as claimed in claim 1 is particularly advantageous over Balit in a number of aspects. The integrated garment of claim 1 uses at least two different stitch patterns to accomplish support without affecting the appearance of the outer layer of the garment. The inventive garment allows cut-and-sew designs for the outer layer, as opposed to a tubular and tight-fitting outer layer. Cut-and-sew designs provide more options for the appearance and design of the garment top, which is a substantial commercial advantage. As discussed in the specification on page 4, lines 3-10, Balit comprises an inner liner that is elastic and provides figure control. The present invention, however, provides bust and torso shaping and support without flattening the curvature of the breast, rather than figure control. For at least these reasons, claim 1 is patentable over Balit. Claims 2-3 and 6-10 depend, directly or indirectly, from claim 1 and are patentable for at least the reasons that claim 1 is patentable.

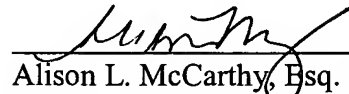
Claims 4, 5, 11, 12, 14 and 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Balit. Claim 5, 11 and 18 have been canceled rendering rejection as to these claims moot. Claims 4, 12, 14 and 16-17 depend, directly or indirectly, from claim 1 and are patentable for at least the reasons that claim 1 is patentable, as discussed above.

Claims 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Balit in view of U.S. Patent No. 4,916,755 (Feigenbaum). Feigenbaum discusses a swim suit having an inner liner with control panels for shape control of the hips, abdomen and buttocks. Feigenbaum, however, fails to overcome the deficiencies of Balit. As described above, Balit fails to teach or disclose a garment having a freely-moving outer layer and an inner layer that is not outwardly visible. Feigenbaum teaches a swim suit that includes an inner support structure that hews closely to an outer structure of the garment, but does not teach or disclose an outer layer as in claim 1. Thus, claims 13 and 15, which depend from claim 1, are patentable for at least the reasons that claim 1 is patentable.

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Applicants respectfully request that a notice of allowance be issued. To answer any questions, or otherwise further the prosecution of this application, the Examiner may contact the undersigned attorney at the number provided below.

Respectfully submitted,


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